

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA

v.

NICHOLAS ALVAREZ,

Defendant.  
-----x

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 4/22/24

**ORDER**

11 CR 169 (VB)

4/22/24 JH  
Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti

In a motion dated April 14, 2024 (Doc. #179), defendant Nicholas Alvarez seeks a reduction of his term of imprisonment pursuant to Amendment 821 to the United States Sentencing Guidelines.

The motion is DENIED because Alvarez is not eligible for a reduction of his term of imprisonment under Amendment 821.

In Amendment 821, the United States Sentencing Commission amended the Guidelines in two respects. Part A amended Section 4A1.1 by eliminating the 2 criminal history “status points” a defendant receives for committing the offense while under a criminal justice sentence, so long as the defendant otherwise has less than 7 criminal history points. Part B created a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero criminal history points who meet specified eligibility criteria.

Alvarez does not qualify under Part A because he did not commit the instant offense while under a criminal justice sentence; i.e., he did not receive any status points. Alvarez does not qualify under Part B because he did not have zero criminal history points; indeed, he had 4.

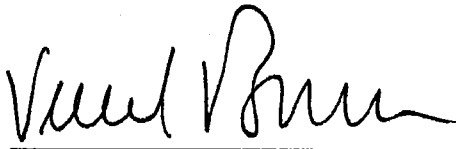
Accordingly, Alvarez is not eligible for a reduction of his term of imprisonment pursuant to Amendment 821.

Chambers will mail a copy of this Order to Alvarez at the following address:

Nicholas Alvarez, Reg. No. 64636-054  
FCI Petersburg Medium  
Federal Correctional Institution  
P.O. Box 1000  
Petersburg, VA 23804

Dated: April 22, 2024  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge